

REMARKS

Prior to the examination of the above-referenced case on the merits, please enter the following amendments and consider the following remarks. Claim 33 has been amended. No claims have been added or cancelled. Thus, claims 33-36, 41-49, 54-57, and 59-71 remain pending.

Claims 33-36, 41-49, 54-57 and 59-62 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,636,259 of Anderson, et al. (hereinafter "Anderson"). The Applicants respectfully disagree because Anderson fails to teach or suggest each and every element of the invention claimed by the Applicants in claims 33-36, 41-49, 54-57 and 59-62.

Anderson describes a system where cameras are associated with an entity so that the entity camera pictures can be uploaded onto an entity specific website maintained by an online photo-sharing service (Anderson, Column 3, line 25 to Column 4, line 67; Abstract). Account information is generated by a server and stored on the camera so that a user need not later enter account information when accessing a website hosting the user's digital images (Anderson, Column 10, lines 37-47; Column 11, lines 20-27). For requests to upload images, account information is transmitted with the digital images to a gateway server. After matching the account information with an account, the images then uploaded and stored (Anderson, Figures 4A-4B).

With respect to claims 33-36 and 41-49, the Applicants claim:

A system facilitating uploading of digital images from a digital camera, the system comprising:
a Web site for hosting said digital images captured by the digital camera;

a transport mechanism for uploading the digital images from the digital camera to a user account at the Web site, said user account being pre-provisioned for the digital camera;

a module for automatically associating the digital images uploaded to the Web site with the pre-provisioned user account and thereafter providing on-line access to the digital images, without requiring a user to manually set up the user account;

a provisioning information module that generates a unique device ID that is used by an accounting management module for associating the digital images with a particular cellular phone device used by the digital camera to upload digital images; and

a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID, and prior to associating the digital images with a particular cellular phone device.

Anderson does not teach “a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID, and prior to associating the digital images with a particular cellular phone device.” Thus, as claimed by the Applicants, while a user account is being created, or while a user account is being associated with a unique ID, the buffered storage stores digital image data. The Applicants respectfully submit that Anderson fails to describe this limitation.

As is illustrated by Anderson, in Figures 4A and 4B, a gateway server communicates with cameras and matches account information stored in each camera with entity accounts in a database. Only after account information is received and verified, does Anderson describe uploading and storing digital images (Anderson, column 10, line 29 to column 11, line 19). However, teaching that digital images may be stored a database account, after a user account is set up and accessed, fails to describe “a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with

the unique device ID, and prior to associating the digital images with a particular cellular phone device.”

The Examiner asserts that “[s]ince the Gateway server, 18, is the first element in connection with the memory of the camera, 82a, through the internet all digital images that are uploaded must be temporarily saved in the gateway server, 18, till full upload is completed before they are transferred to the database, 20, of the photo-sharing service” (Final Office Action, mailed 9/8/06). The Applicants respectfully disagree.

When Anderson discusses the Gateway server, Anderson provides that the server “receives one or more entity IDs 28 from each camera 14 and matches the entity ID 28 with an entity account 30 in the database 20” (Column 4, lines 25-28), distinguishes between entity IDs (See Column 5, lines 22-27), and sends camera/entity IDs (Figures 4A, element 112 to Figure 4B, element 128). Anderson, however, fails to describe the Gateway server storing any digital image data. In fact, Anderson never describes the Gateway server as being a storage device of any kind, let alone “temporarily stor[ing] the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID, and prior to associating the digital images with a particular cellular phone device.” Furthermore, it is only after the account information is received and validated that images are uploaded to a storage database, which is never disclosed as being a part of the Gateway server (Figure 1, elements 18 and 20; Figure 4B, element 132; Column 11, lines 7-10).

Therefore, the Applicants respectfully submit that Anderson fails to teach or suggest “a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the

unique device ID” as claimed by the Applicants in claims 33-36 and 41-49, and fails to anticipate claims 33-36 and 41-49 under 35 U.S.C. § 102 for at least the reasons discussed above. Thus, the Applicants respectfully request withdrawal of the rejections.

With respect to claims 54-57 and 59-60, the Applicants claim:

An apparatus for automating activation of a user account associated with a user-operated device, comprising:

a Web site to host user data transferred by the user-operated device;

a transport mechanism to enable uploading of the user data from the user-operated device to a user account at the Web site, the user account being pre-provisioned for the user-operated device;

a module for automatically associating the user data uploaded to the Web site with the pre-provisioned user account based on a unique device ID of the transport mechanism, and thereafter providing on-line access to the user data, such that the user need not manually establish the user account at the Web site;

an identification module to determine if the data transferred by the user-operated device is from a valid type of user-operated device; and

a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID.

As noted above, Anderson fails to teach a buffer to temporarily store digital pictures while a user account is created or verified (Anderson, Figure 2; Column 7, line 62 to Column 8, line 4; Column 11, lines 20-27). After the Gateway of Anderson matches account information within a database, Anderson teaches uploading digital photographs directly to a storage database (Anderson, Figures 4A-4B). Thus Anderson fails to teach or suggest “a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID,” as claimed by the Applicants in claims 54-57 and 59-60, and fails to anticipate claims 54-57 and 59-60.

With respect to claims 61 and 62, the Applicants claim:

A system to enable automatic provisioning of a new user account comprising:

a receiving logic to receive data from a peripheral device, coupled to a digital camera, having a unique device ID, the data destined for storage on a repository on the system;
an account management module to automatically establish a user account, including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the peripheral device;
a media gateway to associate the data with said user ID;
such that an account is automatically created for the owner of the peripheral device, without requiring the user to first set up a user account, or any additional information to be stored on the peripheral device; and
a module allowing a user to specify a user name and password for the user account that has been automatically established, wherein online access to the data is predicated upon user input of the user specified user name and password.

As discussed above, Anderson teaches uploading data to a database only after account information for a digital camera is verified (Anderson, Figures 4A-4B). The Examiner asserted that Anderson does teach “a module allowing a user to specify a user name and password for the user account that has been automatically established, wherein online access to the data is predicated upon user input of the user specified user name and password” (Final Office Action, mailed 9/8/06, page 3). The Applicants respectfully disagree.

Anderson describes a camera device that is provided with a default internet service provider access number, password, and user identification (Anderson, column 10, lines 38-63). Furthermore, an account is then described by Anderson as being based on a camera’s serial number (See Anderson, column 11-12). In neither case, however, is a user allowed to “specify a user name and password for the user account that has been automatically established, wherein online access to the data is predicated upon user input of the user specified user name and password,” as claimed by the Applicants.

Therefore, Applicants submit that Anderson fails to teach "a module allowing a user to specify a user name and password for the user account that has been automatically established, wherein online access to the data is predicated upon user input of the user specified user name and password," as claimed in claims 61 and 62. Therefore, claims 61 and 62 are not anticipated by Anderson under 35 U.S.C. § 102, and the Applicants respectfully request withdrawal of the rejections.

Claims 63-71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of U.S. Pat. App. Pub. No. 2002/0164977 of Link II, et al. (hereinafter "Link II"). The Applicants do not admit that Link II is prior art and reserve the right to swear behind Link II at a later date.

As noted above, Anderson only describes a server verifying account information before uploading digital images to a storage database (Anderson, Figure 4A-4B). Link II describes providing targeted advertisements to wireless communications devices that are in close proximity to an advertiser (Link II, Abstract, Paragraph 0025).

With respect to claims 63-71, the Applicants claim:

A method facilitating uploading of user data from a user-operated device, the method comprising:

receiving a transfer request from a cellular phone having a unique device ID, to transfer data to a Web site from the user-operated device;

determining if there is a user account associated with the unique device ID, and if so, associating the user data with the user account;

if there is no user account associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device; and

upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account.

The Applicants respectfully submit that neither Anderson, nor Link II, alone or in combination, teach or suggest each and every feature as claimed in claims 63-71. As noted above, Anderson discloses that digital images uploaded to a photo-sharing service are associated with ID information of a camera (Anderson, Column 10, lines 15-37). Then after the user account is established for the specific camera, information for accessing the new user account is returned to the camera so that pictures uploaded to the service are thereafter associated with the specific camera (Anderson, Column 10, lines 37-53; Figure 4B). As such, each user account is associated with a single camera regardless of how the pictures are uploaded to the photo-sharing website. Thus Anderson fails to teach or suggest associating data uploaded from a user-operated device with a cellular phone device, as claimed in claim 63. Rather, Anderson merely notes that a camera could be provided with or connected to a cellular device. While Link II discusses the use of cellular phone devices in a targeted advertising system, Link II does not teach or suggest associating data uploaded from a user-operated device with a cellular phone device. Therefore, neither Anderson nor Link II, alone or in combination, teaches or suggest associating data uploaded from a user-operated device with a cellular phone device.

Furthermore, the Examiner admitted that Anderson fails to describe or suggest “upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account” (Office Action, mailed 4/18/06, page 13). The Examiner therefore introduced Link II. However, Link II fails to teach that the “unique” username and password are specified by a user. Rather, the only

location in Link II where “unique” user names and passwords are mentioned is in the discussion of advertiser registration. In that discussion, a “unique” user name and password are assigned after registration and not specified by a user upon a first user request for data (See Link II, paragraph [0050]). Therefore, Link II also fails to describe or suggest “upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account.” Thus, Anderson and Link II, alone or in combination, fail to describe or suggest “upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account.”

Furthermore, one skilled in the art would not be motivated to combine Anderson and Link II because there is no suggestion within the references to make such a combination. In fact, Anderson explicitly teaches away from such a combination. Anderson states a “server uses the unique camera information to set up a user account” that “eliminates the need for the user to type in information to establish a web site accounts” (Anderson, Column 10, lines 37-47; Column 11, lines 24-27). Thus, one skilled in the art would be counseled away from combining Anderson with a reference that provides for entering and utilizing a user-specified username and password.


Therefore, claims 63-71 are not rendered obvious by Anderson in view of Link II. The Applicants respectfully request withdrawal of the rejections.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit
account no. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 12/8/06



Judith A. Szepesi
Reg. No. 39,393

Customer No. 08791
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300
Fax (408)729-8383